

Town of Nolensville  
Board of Mayor and Aldermen Meeting  
Date: December 6, 2007, Time 7:00 p.m.  
Nolensville Elementary School

Mayor Beth Lothers opened the meeting at 7:04 p.m. Members present were Mayor Lothers, Aldermen Jimmy Alexander, Joe Curtsinger, Tommy Dugger, and Ken Thomas. Staff present: Counsel Robert Notestine, Town Planner Henry Laird, Engineer Don Swartz, Consultant Bobby Garland, and Recorder Cindy Lancaster. There were 21 citizens present.

Pastor Jay Watson with Life Community Church delivered the prayer, and led the Pledge.

Citizens Input:

There was no citizen input.

Alderman Dugger made a motion to approve the minutes from November 1, 2007 meeting. Mayor Lothers made a motion to amend the minutes on page 10. She stated that the minutes reflect that she apologized for something that she said. She noted that this is incorrect. She stated that it should reflect she expressed disappointment. Alderman Thomas seconded this amendment. The Mayor noted that a citizen handed out a document which appeared to represent property that was discussed that night, when in fact it was property outside the town limits. She had expressed disappointment and had not apologized for this incident. The vote was taken and the minutes were approved unanimously as amended.

Mayor Lothers made a motion to approve the Beer Board minutes of November 1, 2007, Alderman Dugger seconded, and these were approved unanimously.

Alderman Dugger made a motion to approve the minutes of the Special Meeting of November 9, 2007, Alderman Thomas seconded, and these minutes were approved unanimously.

Mayor Lothers made a motion to approve the September Treasurers report, Alderman Dugger seconded. Alderman Curtsinger asked for a reminder as to why this report was distributed late. Mayor Lothers noted that there was a computer glitch and entries had posted twice. This was not discovered until the last minute and staff wanted to give the board an accurate report. This report was approved unanimously.

Alderman Dugger made a motion to approve the October Treasurer's report, Mayor Lothers seconded. This report was approved unanimously.

#### COMMITTEE REPORTS:

Chair Rick Owens reported for the Planning Commission.

- Public hearing was held for Sub-division Regulation amendments
- 25 lots were approved for Britain Downs
- Bond report was deferred due to corrections needing to be made

Mr. Bob Crigger reported for the Historic Commission.

- Met on November 29
- Certificate of Appropriateness was issued to 7286 Nolensville Road for a sign

Fire Chief Presley Hughes reported for the Nolensville Volunteer Fire Department.

- One unit has been in repair shop for two months, but is now out
- One member has completed EMS Training, another member is in the class
- One member is currently in paramedic training
- Please keep Brad Bonanza in prayers while he is in the hospital

Planner Henry Laird reported for the Planning Department.

- Several site plans are being reviewed
- Zoning ordinance amendments are being considered

Engineer Don Swartz reported for the Engineering Department.

- Striping of roads is being reviewed
- Roadway repair is being reviewed
- Reviewing a parking situation on Cowan Drive
- Speed limit changes are being reviewed in the Historic area

Police Chief Paul Rigsby reported for the Police Department.

- Noted there was no written report

Mr. Bob Hayes reported for the Public Works Department.

- Continuing trash pick up
- Painting stop sign poles
- Christmas tree has been decorated
- Minor police car repairs have been made

Alderman Curtsinger inquired to the number of cars in the Police Department. Mr. Hayes stated there were currently seven vehicles in that Department.

There was no report for the Town Events Committee

Mayor Lothers thanked this Committee for all their hard work with the Veteran's Day celebration. She noted that it was a well-deserved honor for the veterans.

Mayor's Report:

- a. Capital Improvement Plan, Budget Committee

Alderman Dugger, Budget Committee member, stated that he would discuss this during the resolution on the agenda.

b. Appointments

Mayor Lothers moved for approval for the Appointees for the Board of Appeals, Alderman Dugger seconded. Mayor Lothers stated that she had distributed the names of these individuals to the board, in addition to background information. Alderman Curtsinger asked if she had determined the term limits. Mayor Lothers stated that she feels that it will be a three-year term. Alderman Curtsinger stated that he had spoken to Mr. Jimmy Reeves, a nominee, and he was uncertain of the term. Mr. Reeves, in the audience, stated that he did not recall that conversation. Counsel Notestine stated that it is specified within the International Building Code. Mayor Lothers stated that she had met with the appointees and the appointees had met with the Building Official, but he was not in attendance for clarification. The vote was taken and these members were approved unanimously.

Mayor Lothers noted that due to health issues Debbie Riddle resigned from the Planning Commission. She noted that Mr. Douglas Radley, recently retired from Core of Engineers, and has lived in Nolensville 23 years will be filling this vacancy. She noted that he has worked for TEMA and worked on flood issues. She noted that he has a Bachelors Degree in Political Science, with a Masters Degree from MTSU in Planning. She noted that he served in the Air Force and in the Tennessee National Guard.

c. Waller Road

Mayor Lothers noted that she received an email from Mr. Kirk Bednar, Assistant City Manager of Brentwood and he delivered good news. She noted that the total cost of Waller Road is anticipated to be \$420,000. The Town has already paid \$190,000, the Town would owe approximately \$20,000 to the City of Brentwood at the final paving. She stated that if there are any other minor repairs, this amount may increase slightly.

d. Rocky Fork Road Realignment

Mr. Don Swartz noted that the town is currently in the process of signing the second change order on the changes that were discussed at the last meeting. He noted that with the second change order request it would result in an increase cost of \$62,180.20.

Mr. Bobby Garland stated that predominant work remaining is on the roadway. He stated that the bridge is almost complete with painting remaining. He stated that the contractor would be working tomorrow and Saturday to dodge anticipated rain. He noted that the fill material is coming from the Lenox Development, which is on Nolensville Road. He noted that on the west end of Rocky Fork Road, which is the Nolensville Road end, the base and binder is down. He did state that there are some problems with the binder, which is being addressed. Mr. Garland stated that in regards to progress at this time of year it all depends upon the weather.

Mr. Swartz added that currently there is asphalt being removed and it is being done by the contractor with the cost at his expense. He noted that this was their error and they will

correct this. Mr. Swartz advised the board that some of the core samples failed on the bridgework. He stated that the bridge Design Engineers have reviewed the concrete strength and stated that it is structurally sound.

Mr. Swartz stated that he believed that Mountain States was willing to take a penalty. Alderman Curtsinger asked if Mountain States was in agreement. Mr. Garland added that the contract states that if it does not meet certain standards they have the option to redo or have the assessment charged. He noted that they have agreed to the assessment charge between \$20,000 and \$30,000.

Alderman Curtsinger requested clarification as to who was responsible for the design error. Mr. Garland stated that this would be a legal issue. Mr. Garland noted that in his mind of the total \$63,000, he felt the town did not suffer that total amount. Counsel Notestine stated that you couldn't talk liability until the project is complete.

Alderman Curtsinger inquired about the right-of-way. He asked if this had been resolved. Mr. Swartz noted that the town has all the documents and in concept, everyone is in agreement. Mayor Lothers noted that one party has signed the documents and only one more party needs to sign. Mayor Lothers then thanked everyone for their hard work on the road.

e. Other

Mayor Lothers stated that the town has received the Safe Walks to School grant for \$250,000. The town must be careful that the grant is managed properly. Mr. Don Swartz and Mayor Lothers recently attended a six-hour grant seminar. She noted that there would be a meeting with the Nolensville Elementary School Principal and the PE Teacher this week. She stated that there would be a new funding workshop this Thursday. She noted that she and another individual would be attending this workshop. Mayor Lothers noted that if any board member would like to attend please let her know.

Mayor Lothers noted that a memo was distributed from Engineer Don Swartz in regards to the speed limit within the Historic District.

Mr. Swartz addressed the Board noting that after review of the road and the review of the MUTCD (traffic manual), he composed the memo. He noted that most motorist will drive what they feel is comfortable. He noted that accident history could not be relied upon within this area. He noted that he was not making a suggestion to the Board to reduce or not to reduce the speed limit, although he was presenting this information. Mr. Swartz stated that if the board decides to reduce the speed, he would suggest that they do so to the creek.

Alderman Curtsinger stated that he did not know if it would make a statistical difference within the area that is suggested. He noted that by his house there are more accidents due to speed limit and it is documented. Alderman Curtsinger stated that he believes the speed limit is 40 and turns to 55 over the hill and in that location there are many near misses. Mr. Swartz stated that location could be reviewed.

Chief Rigsby stated that in regards to accident history, there is not many. He noted that compared to traffic volume to the number of accidents it is not bad. He noted that it was his

theory that people tend to go 5 to 10 miles over the posted limit. He noted that the behavior pattern of motorist is if it is 35 they will do 40 to 45. Mayor Lothers said that she would like to discuss it with more people in that area. She stated that her concern was people wanting to shop in the downtown area. She said that to cross the road it gets dangerous for pedestrians. Alderman Thomas said that he feels it should be reviewed. He noted that if 25 miles an hour would slow the traffic down and provide safety, it would be worth looking into.

Alderman Dugger stated that his concern was vehicles passing on the right side of the road.

Alderman Alexander stated that he drove Nolensville Road at both speed limits, the current speed limit and the suggested limit. He stated that he feels this needs to be reviewed.

Alderman Thomas stated that this could go on the Historic Commission January agenda for their input.

Mayor Lothers stated that she has had a request to form a Trees and Trails Committee. The town has never received a grant from TDOT and she has spoken to Mr. Nicely. She stated that if she had a Committee to review and pursue grants, it would be beneficial to the town.

Mayor Lothers stated that she had asked Mr. Ali Farhanghi with TDOT to review Nolensville Road and Sunset Road for signalization. She was recently contacted by one of his staff members who said that we do not meet the criteria for signalization. However, they said we did meet the criteria for a turn lane off of Nolensville Road. TDOT is pursuing special funding for this request.

Public hearing of Ordinance 07-22, an ordinance to amend the Zoning Ordinance 04-09, in regards to the National Flood Insurance Program opened at 7:47. There was not comment. The public hearing closed at 7:47.

Second Reading of Ordinance 07-19, an ordinance to amend the zoning map to rezone property currently Suburban Residential (SR) to Commercial Services (CS) with a Commercial Corridor Overlay (CCO) known as the Camron Property. Alderman Dugger made motion to approve this ordinance; Alderman Thomas seconded this passed unanimously.

First reading of Ordinance 07-23, an ordinance to amend Title 11, Chapter 5, of the Municipal Code in regards to Firearms. Mayor Lothers asked Planner Henry Laird to show a map of the area that is being considered in this ordinance. She noted that she has received some good comments from a Planning Commission member, who she will call on after Mr. Laird. Mr. Laird showed the board a map that illustrated the varying lot dimensions.

Mayor Lothers then asked for Mr. Frank Wilson to address the board. Mr. Wilson, from 7435 Nolensville Road, noted that he went over the ordinance. He stated that in Section 2 A, it pertains to public property. He noted that currently there are supervised shoots on private property. The only public property within Nolensville is the school grounds and ball park, which belong to Williamson County. He stated that the county does not allow shooting on their property. He added that he was at National Fire on Johnson Industrial Boulevard and there was a bullet shown to him where someone had shot at the building. He stated that he would advise the board to move forward and adopt this ordinance, although between readings address these issues and revise. Mayor Lothers thanked Mr. Wilson for his input.

Counsel Notestine noted that state law does allow you to adopt ordinances for public safety.

Mr. Mark Fielder, 7325 Nolensville Road, stated that if tax maps were reviewed you would see that there are various property owners that have ten acres, although it is not over 400 foot wide. He stated that it is legal to deer hunt through the TWRA from 100 feet from a road. This ordinance does not allow either of these. He ask the board to review this further.

Mayor Lothers said that she agreed with Mr. Wilson that it was important to get something started tonight and the board can continue to address these issues before final reading.

Alderman Dugger asked what would be the penalty to the violator of this ordinance. Chief Rigsby stated that \$50.00 is the most that can be imposed through the “city” court. He noted that this is not a possession law, although a discharge law.

Alderman Thomas stated that the board should review the issue of footage. He said that maybe other ordinances could be reviewed in addition to TWRA laws. He asked if there had been complaints in certain locations. Mayor Lothers said that complaints had been received from residents in Ballenger Farms and McFarlin Woods.

Alderman Curtsinger asked if it wouldn’t it be better to address the irrational use versus implementing an ordinance. He asked if the people who are discharging the firearm shot at people. He inquired if there had been any damage done by the firearms. Mayor Lothers stated that it had been reported that pets had been shot at. She noted that when questioned, they stated they had been shooting at a target.

Alderman Thomas stated that when he grew-up, as a hunter, shooting in a neighborhood was against the law. He stated that he felt the subdivision needs this ordinance.

Alderman Alexander stated that he feels this ordinance needs to be “tweaked”. He stated that it is his opinion that a firearm being shot in the subdivision is not acceptable.

Alderman Dugger stated that he agreed with Mr. Fielder. He stated that he felt there are a lot of small tracts of land that are thin and deep. He noted that if small lots and subdivisions are the issue why can’t these areas be addressed. He asked where the line was drawn. He added that he felt the ordinance should stick with subdivisions only.

Mayor Lothers stated that she has had a few people within the Historic area that have said they are glad this is being implemented. She stated that they have small tracts of land and have had neighbors shooting near their property line.

Alderman Dugger stated that he feels the board needs to pass something that is easily enforced without any gray area. Alderman Thomas stated that he feels that some changes to footage requirements can be made, although he would like to see that this move forward now and come back with changes.

Alderman Curtsinger stated that the definition of a weapon should be reviewed. He noted that a bow, paint ball gun, or pellet guns, could all be considered as weapons.

Mr. Willis Wells, 7150 Nolensville Road, stated that he felt that something should be passed so that citizens could have input at the public hearing. It was noted that this ordinance does not require a public hearing. Mr. Wells said his point is public reaction.

Alderman Dugger noted that he has concerns with the Lions Club. He added that the way this is written, they would not be allowed to hold this event. Mayor Lothers stated that in addition to changes to accommodate these events, the board should review changing the footage to 100 feet.

Alderman Dugger made a motion to approve this ordinance and amend to add to Section B, "With a special written permit at the discretion of the Chief of Police who may authorize special events." Counsel Notestine suggested that the second sentence in Section A be added to B. Alderman Dugger added to his motion, in Section B, amend five acres to two, in addition, change every 400 feet to 100 feet.

Alderman Curtsinger asked if the landowner or the actual violator would be penalized.

Alderman Alexander stated that he thought two acres was small. He stated that he would prefer it be four acres.

Alderman Curtsinger again asked who would be fined. Alderman Dugger stated that if someone shoots a gun on his property and injures someone they would be the one held accountable. Counsel Notestine stated that per this ordinance, both would be fined. Alderman Curtsinger asked with the current complaints why isn't someone being held responsible.

Chief Rigsby stated that the law of "reckless endangerment" would be referred in this situation. He noted that the definition is to intentionally cause serious bodily injury.

Alderman Curtsinger expressed his opinion that currently there is a reckless endangerment ordinance in place and the board should not have to pass this ordinance. He added that no one could prove who fired the bullet into Fred's (National Fire). He stated that it could have been fired from Brentwood.

Alderman Thomas stated that he understood what was being said, but if this ordinance helps create better safety, than this board should move forward with this ordinance.

Mayor Lothers seconded Alderman Dugger's amendment. The vote was then taken with Mayor Lothers, Aldermen Alexander, Dugger, and Thomas for, Alderman Curtsinger against.

First reading of ordinance #07-24, an ordinance to amend Title 12, Chapter 1, of the Municipal Code in regards to Fees in regards to plans review. Mayor Lothers made a motion to approve this ordinance, Alderman Alexander seconded.

Alderman Dugger stated that Building Official Michael Blanks stated that currently the Town does not have anything in place to cap the cost of reviewing plans. This ordinance will allow the town to recoup its cost of this process, although not allow over-charging for this service. He noted that the cap would be \$5,000.

Alderman Curtsinger asked what the cut off of this fee was currently. Planner Laird stated that currently the cost of the review is one-half of the building permit fee. Alderman Curtsinger asked what was the fee for someone to pay \$5,000. Planner Laird stated that he could not answer that question. Although added that it could potentially cost someone \$30,000 for a plans review, if their building permit was \$60,000. Mr. Laird noted that this was not in line with the actual cost. Alderman Dugger noted that Mr. Blanks had spoken to the contractor that performs the plans review for the town and this is the most that would be charged for this service.

Alderman Dugger stated that the board could pass this on first reading and have Mr. Blanks answer the board's questions. He encouraged Alderman Curtsinger to contact Mr. Blanks and he would be happy to answer any questions.

The vote was taken and this was passed unanimously.

First reading of ordinance #07-25, an ordinance to amend Title 7, Chapter 3, of the Municipal Code in regards to the sprinkler ordinance. Alderman Dugger made a motion to approve this ordinance, Mayor Lothers seconded.

Alderman Dugger noted that this was over looked in the passage of the original sprinkler ordinance. He noted that the new ordinance states that all commercial buildings be sprinkled. He noted that currently it states only buildings over 2,500 square feet. Alderman Dugger stated that there have been plans submitted for 2,499 square feet and the sprinkler ordinance does not apply to these structures. He noted that the sprinkler ordinance was intended for everyone. He noted that it was his understanding Chief Hughes agreed with this ordinance. Fire Chief Hughes stated that he agreed with this ordinance. The vote was taken and this passed unanimously.

Reading of resolution 07-13 a resolution to adopt a revised Capital Improvements Program. Mayor Lothers made a motion to approve this resolution, Alderman Dugger seconded.

Mayor Lothers thanked the Budget Committee for their hard work. She noted that members David Rowland, Carla Ediger, and Alderman Tommy Dugger are on this Committee. Alderman Dugger stated that the board should have received a memo that was written by Ms. Ediger that explains this document. He noted that this is a conservative plan.

Alderman Alexander stated that in the memo several questions were raised. He asked if these questions had been answered. Mayor Lothers clarified that there would be a reduction in the cost of Waller Road within the final payment as reported earlier. The turn lane in front of Sunset School was approved and is within Williamson County School's budget. Committee member, Ms. Ediger, stated that Mr. Ralph Cross with MTAS had suggested that the board look at the capital improvements plan in several months. She stated that you might want to determine an exact time frame, such as this will be reviewed in four months.

Mayor Lothers asked staff to clarify to the board the distinction between a plan and a budget for their understanding. Counsel Notestine noted that the town currently has a plan, although it is not in this detail. He said this is merely a guide for the town. He stated a budget is adopted by an ordinance and becomes law.



Alderman Thomas stated that he had one question on the third to last page. He stated that he realizes this is just a guide although it states funding for town hall. He inquired if this was the old elementary school, in addition to the recreation center. It was noted that he was correct.

Mayor Lothers noted that things continuously change and this committee worked very hard on this plan considering changes throughout the creation of this plan.

Alderman Curtsinger noted that the capital improvements plan is a wish list and most of this document deals with the General Fund. He stated that he felt there were much more needs for the town. He added that as MTAS has said this should be suggested through the Planning Commission. He noted that there are the top six projects and there may be a lot more that the Facility Tax covers. Mayor Lothers stated that Facilities Tax and Impact Fees are dictated by law as to how these funds can be spent. Impact fees can be utilized for infrastructure only as outlined within the plan. Mayor Lothers additionally clarified that in an MTAS session she was advised that the Planning Commission reviews the individual projects just like the Planning Commission had an opportunity to review the Rocky Fork Road realignment. Ms. Ediger noted that this is a plan and this Committee worked directly with MTAS in formulating this document.

Alderman Alexander stated that every Capital Improvements Plan that he has viewed only sets its priorities and it appears that is what this document is doing.

Ms. Ediger stated that if the board has anything they would like to add, Mr. Cross would not mind dropping that into the module.

Alderman Dugger stated that he would encourage the board to get involved in the budget process. He stated that it certainly opens your eyes to some of the numbers.

The vote was then taken and this passed unanimously.

Reading of resolution 07-14, a resolution to enter into an interlocal agreement with Williamson County. Alderman Alexander made a motion to approve this resolution, Alderman Dugger seconded. Mayor Lothers noted that this is a resolution that was given to the Town Recorder by the County. Recorder Lancaster noted that this document allows the County and Town to share information in regards to mapping. She noted that the town needs the County Mapping Department. The vote was taken and this was approved unanimously.

The meeting adjourned at 8:51 p.m. by acclamation.

Respectfully submitted,

Approved,

Cindy Lancaster  
Town Recorder

Beth Lothers  
Mayor